

REQUEST FOR PROPOSALS (RFP 06-12)

Questions and Answers: (Posted 09-19-06)
(Updated 10-05-06, starting with question 20)

The questions and answers contained in this document reflect only those inquiries received, as of the date of posting. Future questions may be submitted to contractsrfp@indot.in.gov, by noon on October 2, 2006.

1. The required prequalification categories listed for "Item # 15 Open End Shop Plan Review" for the Office of Structural Services are: 3.2 – Complex or Major Analysis and 9.1 – Level 1 Bridge Design. Please note that Category 3.2 is for the analysis of Highway Traffic Capacity and Operation. Is this correct or it should have been Category 14.5 "Bridge Analysis"?

Response: Item 15 has been revised. 9.1 is the only prequalification requirement for this item, 3.2 is not required.

2. Why would a consultant need to be prequalified in 3.2 Complex Or Major Analysis to perform item 15 -----"Bridge Shop Drawings"? 3.2 COMPLEX OR MAJOR ANALYSIS deals with Highway traffic capacity and operations analysis of large scale & highly complex road projects.

Response: Please refer to the response in #1 above.

3. Item #16: Is there any way to understand what the projected budget is for this item?

Response: The contract will be negotiated, based on the needed services.

4. Item #10: One of the pre-qual categories for Item 10 is 5.12 - Karst Studies. However, the location of this project (Johnson County) is not in a Karst area, thus projects in Johnson County typically do not require this specialty service. Could you confirm with the Environmental section that they will require Karst study at this location?

Response: 5.12 – Karst Studies will not be required for this item.

5. Item #5: Item #5 is a long complex project that we understand involves, among other environmental issues, wetland impacts. The prequalification Categories do not include any of the typical Environmental Mitigation categories, similar to those listed in Item #6. Is this correct?

Response: Additional prequalification categories are required for this item, as follows: 5.5 Wetland Mitigation; 5.6 Waterway Permits; 5.9 Archaeological Investigations; 5.11 ESA Screening, Phase I and Phase II, Remedial Design;

6. Item #17 & 18: In going over RFP 06-12, I did not notice any requirement to provide a cost proposal. I would like to confirm that a cost proposal is or is not a necessary provision for Items 17 and 18.

Response: Cost proposals should not be submitted with LoI submittals.

7. Item #14 & 16: Item # 14 and Item # 16 from INDOT RFP 06-12 states that the prime consultant and any sub-consultants must have a "General Prequalification" status to be eligible to submit on these items. This is the first time I have heard of these. We are prequalified in many individual work categories, does this mean that we qualify for a General Prequalification" or is there another category that I have missed somewhere?

Response: Any firm that is prequalified with INDOT is also eligible to submit a LoI for items with "General Prequalification" requirements.

8. Item #18: Our consultant team has significant experience with statewide coordination plans for human service and public transportation. Our assessment is that producing locally-derived plans for Indiana's 74 rural counties, and including these in a statewide coordination plan, is beyond the ability of a single firm or team to provide within the time frame specified. A two-

part question: 1. Does INDOT anticipate the possibility of multiple awards, such that portions of the work would be assigned to multiple consultant teams, or: 2. Is there flexibility with regard to the deliverable due dates?

Response: 1. No, we do not anticipate multiple awards; 2. Yes, there is flexibility in the due dates.

9. Items 17 & 18: In putting together our Letters of Interest for the above items, we came across the following statement on page 4 of the RFP: **“DBE/MBE/WBE subcontracting goals apply to all prime submitting consultants, regardless of the prime’s status of DBE/MBE/WBE.”** Both Items 17 and 18 list a DBE goal of 3%. Our firm is a certified DBE with the State of Indiana Department of Administration, Minority & Women’s Enterprises Division, so the total DBE percentage of our proposal would be 100%. Does the above statement from page 4 of the RFP imply that regardless of our DBE status, we would need to involve a subcontractor with at least 3% DBE status?

Response: Yes, you would need to involve a subconsultant with at least 3% DBE status, or provide documentation of your good faith efforts.

10. Item 18: We currently are providing LaPorte County with a county-wide coordination plan for human-service and public transportation. What we are providing for the LaPorte project is beyond the level of effort which is envisioned for the individual county plans in this RFP. Can you provide any guidance regarding the desired format, length, and content of these 74 county-wide plans, and/or estimates of man-hours per plan?

Response: We don’t anticipate the level of effort to be beyond a basic Inventory, Assessment, and list of Strategies (potential projects for Sections 5310, 5316, or 5317 funding) for the three target groups.

11. Item 17 & 18: Is it necessary for the subcontractor with at least 3% DBE status to also be on the prequalified consultants list on INDOT’s website?

Response: All subconsultants must be prequalified with INDOT.

12. Item #12: The notes from the Engineering Assessment Field Check stated that an Interchange Justification report may be required due to the addition of lanes on the ramps, but may not be required if the work is done for safety reasons. The report did not seem to include a final determination on the need for the Interchange Report.

Response: The need for the Interchange Justification Report should be determined during the Environmental Document Preparation process.

13. Item # 6: The RFP does not require Geotechnical prequalification, nor does it state if INDOT will be providing the Geotechnical. Can you clarify who is responsible for Geotechnical investigation and report?

Response: INDOT will provide the Geotechnical information.

14. Item #8 : The work description indicates survey is required for this project, but no category (6.1) for topo survey was listed under required prequalification categories. Should we assume category (6.1) is a required prequalification for this project?

Response: The prequalification category 6.1 Topographic Survey Data Collection will be added and a “Revised” RFP will be posted on the web.

15. Item #13 : The work description indicates survey and mitigation plans are required for this project, but no category (6.1) for topo survey and no category (5.5) for wetland mitigation were listed under required prequalification categories. Should we assume categories (6.1) & (5.5) are a required prequalification for this project? Additional information: The survey has been completed, however, additional survey may be required.

Response: The prequalification categories 6.1 Topographic Survey Data Collection and 5.5 Wetland Mitigation will be added and a “Revised” RFP will be posted on the web.

16. Item #13: A Final EIS was prepared for the entire project but the work category for a CE is listed. Are follow-up environmental services necessary for the project requiring a CE?

Response: 5.2 Environmental Document Preparation – CE is not required for this item; Additional information:

The EIS was completed for the project. INDOT will provide the EA, which is expected to be completed early 2007.

17. General Question: Are there any restrictions or guidelines regarding file size for the .pdf files that we submit?

Response: No. As of this date, we haven't had any problems receiving PDF files pertaining to RFP submittals.

18. Items 17 & 18: We are looking at other pre-qualified DBE/MBE/WBE firms to consider as subconsultants (per the weblink provided in RFP 06-12) on Items 17 and 18. None of these firms appear to have expertise in any of the areas applicable to Items 17 and 18 of the RFP. It is our plan to contact these pre-qualified DBE/MBE/WBE firms and determine whether they in fact do have applicable expertise and wish to join RLS as subconsultants on these Items. If we were to receive either no response or negative responses from all such companies, would this adequately demonstrate RLS' good faith efforts to find a MBE/DBE/WBE subconsultant to match the stated 3% DBE goals on these Items as listed in the RFP?

Response: First, please be advised that if there is a DBE goal on these items, neither MBE nor WBE firms may be used unless those firms are also DBE firms certified in the State of Indiana. Contracts funded with 100% State funds involve MBE/WBE firms.

INDOT is required to include the DBE program in its projects that involve federal funding. INDOT adds DBE goals to items of an RFP when it believes that subcontracting opportunities exist. As you correctly stated, if a consultant fails to attain the DBE goal, the consultant may still be eligible if it documents that it made adequate good faith efforts to meet this goal. 49 CFR §26.53. INDOT evaluates "good faith efforts" with guidance from the federal regulations governing the program..

The federal regulation defines the phrase "good faith efforts" as "those that one could reasonably expect a [consultant] to take if the [consultant] were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal." 49 CFR 26, Appendix A. The regulation requires more than "mere *pro forma* efforts" to be made to establish good faith efforts. Id. Instead, it requires that "the [consultant] show that it took all necessary and reasonable steps to achieve the DBE goal." Id. Furthermore, "the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a [consultant's] failure to meet the contract DBE goal." Id. Types of actions that may be considered as part of good faith efforts include: soliciting certified DBEs who are able to do the work and then following up with them to see if they are interested in doing the work, "breaking out contract work items into economically feasible units, even when the prime consultant might otherwise prefer to perform these work items themselves," and "providing interested DBEs with adequate information to assist them in responding to the solicitation." Id.

Be sure to explore other all areas within Items 17 and 18 that could be subcontracted to DBE firms. There may be areas that your firm planned to self-perform, but may be able to subcontract to a DBE firm. Also, check the INDOT DBE Directory, www.in.gov/dot/div/legal/DBE/dbe_list.xls, to identify all ready, willing, and able DBE firms. Documentation provided must show that even though active and aggressive measures were taken, you were unable to obtain the requisite DBE participation.

19. General Questions: 1. If there is no DBE goal for the item, do we need to submit a signed Affirmative Action Certification form? 2. On page 2 of 26 in the RFP, I clicked on the link to the Departments Website to access the Current and Completed Projects form and the Active and Pending Contract Balances form, but I was unable to locate these forms on the website. Can you please direct me to the forms or send me a copy of them?

Response: 1. If a DBE goal is not required, an Affirmative Action Certification form is not required. 2. The Current and Completed Projects form and the Active and Pending Contract Balances form are available on the web. Go to the website [Department's Website](http://www.in.gov/dot/div/legal/DBE/dbe_list.xls). Click on "[RFPs Currently Advertised](#)". Near the top of the screen will be the referenced forms.

20. General Question: I noticed that for projects with less than one year to completion, the estimated annualized contract balance is, of course, greater than the contract balance (when dividing by a value less than one). And, when time to completion is very small (like 2 months or 0.17 year), the computed annualized contract balance is way out of proportion. We have several such contracts. Is it not more appropriate to use a minimum value of one year for the time to completion?

Response: 1) The value entered should be "1" or greater and the next RFP will clarify this. 2) If a firm has already submitted for this RFP, we will see that the information is updated. 3) For new RFP submittals, please use a value of "1" or greater.